REMARKS

Claims 1-36 are pending in the present application, and claims 5, 7, 15, 18, 27, 33 and 36 have been withdrawn from consideration. Claims 1, 9, 10, 14, 17, 20, 24, 25, 28 and 31 have been amended, claims 11, 21, and 32 have been canceled by this amendment, and claims 37-40 have been added.

Applicant has amended claims 1, 9, 10, 14, 17, 20, 24 and 25 by deleting the word "triangular." Applicant has also added new dependent claims 37-40. No new matter has been added and the claims are patentable over the prior art for the reasons given below.

Claims 1-4, 6, 9, 10, 12-14, 16, 19, 20, 22-26, 28-31, 34 and 35 have been rejected under 35 U.S.C. §102 (b) as anticipated by or, in the alternative under 35 U.S.C. §103 (a) as obvious over Hansen et al. (U.S. Patent No. 5,928,280). Also, claims 8 and 17 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hansen et al. in view of Cox (U.S. Patent No. 6,171,334), and claims 11, 21 and 32 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hansen et al.

Applicant has amended claims 1, 10, 20, 28 and 31 to provide that the connecting member joining adjacent rings connects at the ends of the cell or one of the small angle vertices formed by the joined ends of the cell or small angle vertex of the adjacent ring. Clearly, the Hansen reference only teaches joining the rings from one peak to the adjacent peak.

Claims 11, 21, and 32 have been canceled and their limitations added to independent claims 10, 20, and 31 respectively. Also, Applicant has amended

independent claims 1 and 28 in response to these rejections, and believes that these claims are now in condition for allowance. Claim 1 has been amended to recite that the connecting element joins rings together "by connecting the ends of the cell of one ring to the ends of the cell of an adjacent ring." Claim 28 has also been amended to recite that "means for connecting the plurality of rings at the means for joining the opposite ends of the V struts." Applicant believes that these limitations are not disclosed or suggested in Hansen.

In rejecting claims 11, 21, and 32, the Examiner states that it would have been obvious to relocate the connecting element (actually a side section 7 of a cell 2) to coincide with the small angle vertices of the cell. Applicant respectfully requests that the Examiner provide a reference that discloses or suggests that relocating a connecting element of a stent to coincide with at least one of the small angle vertices would be obvious to improve flexibility.

Applicant respectfully disagrees with the Examiner that relocating the connecting element or side section 7 of Hansen reference to coincide with the small angle vertices of the cell is obvious. By moving the side sections 7 found in every other ring, the stent design disclosed in Hansen would be lost along with the advantages that Hansen alleges its design provides. As shown in FIG. 1 and described at column 2, lines 36-58 of Hansen, the design of the heart-like shaped cells includes a point of interconnection between two shorter cell sides that point towards the point of interconnection between the two longer cell sides of the same cell. By moving the side sections 7 of one ring over to coincide with the side sections 7 of the adjacent ring, the design of the cell 2 changes and

the point of interconnection between the two longer cell sides point towards the point of interconnection between the two shorter cell sides instead of vice-versa which is required to provide certain advantages disclosed in Hansen.

Also, by moving the side sections 7 of one ring to coincide with the side sections 7 of an adjacent ring, the heart-like shaped cells 2 will all point in the same direction, instead of the heart-like shaped cells 2 pointing in the opposite direction from the heart-like shaped cells 2 of adjacent rings. Further, by relocating the side sections 7 of every other ring, the first angle α facing into the cell which is delimited by longer cell sides, and the second angle β facing into the cell which is delimited by the shorter cell sides would be changed. Hansen discloses that the first angle α and the second angle β give the stent uniform properties, as to bending and to compressive strength, and therefore, if the first angle α and the second angle β of the cells 2 of every other ring are changed, the uniform properties will be lost. The Examiner is attempting to change the principle of operation of the Hansen reference, which is improper under M.P.E.P. §2143.01. For all of these reasons, it would not have been obvious to relocate the side sections 7 of the stent disclosed in Hansen.

The Examiner rejected claims 8 and 17 under 35 U.S.C. §103 over Hansen in view of Cox (U.S. Patent No. 6,171,334). Applicant respectfully disagrees with the Examiner's rejection since the Examiner identified no express suggestion or motivation in the cited art that would lead one skilled in the art to combine the two references.

Amended claims 1, 10, 20, 28 and 30 have been shown to be patentable over Hansen. The Cox reference adds nothing to the teachings of Hansen. The present invention is thus patentable over the cited references individually or in combination.

In light of the above amendments and remarks, Applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: Paul Y. Feng

Paul Y. Feng
Registration No. 35,510

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
29412.1